

The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

NORTHWEST ENVIRONMENTAL
ADVOCATES,

Plaintiff,

v.

THE U.S. DEPARTMENT OF
COMMERCE, et al.,

Defendants,

and

THE STATE OF WASHINGTON,

Defendant-Intervenor.

No. 2:16-cv-01866-JCC

STIPULATED MOTION TO
AMEND THE BRIEFING
SCHEDULE ON PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT ON COUNTS 2
AND 3

Noted: May 1, 2018

Pursuant to Local Rules 7(d)(1) and 10(g), Plaintiff, Northwest Environmental Advocates; Defendants, the United States Department of Commerce ("Commerce"), The National Oceanic and Atmospheric Administration ("NOAA"), and the Environmental Protection Agency ("EPA") (collectively the "Agencies"); and Defendant-Intervenor State of Washington hereby stipulate to and request entry of the following order amending the briefing Stipulated Motion to Amend the Briefing Schedule
2:16-cv-01866

U.S. Dept. of Justice
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611
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1 schedule for responses to NWEA's motion for partial summary judgment on claims 2 and 3 in
2 NWEA's Second Amended and Supplemental Complaint ("SASC"), Dkt. #74 at ¶¶ 83-92.

3 On March 15, 2018, the Court entered its Amended Minute Order entering the parties'
4 stipulated motion for a briefing schedule for anticipated summary judgment motions (Dkt. #85).
5 Dkt. #87. Under the March 15 Order: (1) Defendants were to file additional administrative record
6 materials on March 16, 2018; (2) Plaintiffs were to file their motion for partial summary
7 judgment on March 30, 2018; (3) Defendants and Defendant-Intervenor are to file
8 responses/cross-motions for partial summary judgment not to exceed twenty-four pages by May
9 4, 2018; (4) Plaintiff is to file a combined reply brief up to twenty-four pages in support its
10 motion for partial summary judgment and a response to any cross-motion for partial summary
11 judgment by May 18, 2018; and (5) Defendants and Defendant-Intervenor shall file any reply
12 briefs in support of any cross-motions for summary judgment not to exceed twelve pages by June
13 1, 2018. The parties requested this schedule in order to accommodate Plaintiff's desire to
14 complete summary judgment briefing on claims two and three before NOAA's Coastal Zone
15 Management Act grant to Washington and EPA's 2018 Clean Water Act grant to Washington,
16 which could be made as early as July 1, 2018.

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19 Lead counsel for Defendants with respect to Plaintiff's CZARA claims (Claims 2 and 3)
20 recently returned to the office after being on emergency medical leave for two months. Counsel
21 therefore requires additional time to finish drafting Defendants' response/cross-motion for partial
22 summary judgment. To accommodate counsel's need for an extension, the parties have agreed to
23 extend the remaining briefing schedule by seven days. The parties hereby stipulate and agree as
24 follows: (1) Defendants and Defendant-Intervenor shall each file a response/cross-motion for
25 partial summary judgment not to exceed twenty-four pages by May 11, 2018; (2) Plaintiff shall
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file a combined reply brief up to twenty-four pages in support of its motion for partial summary judgment and a response to any cross-motion for partial summary judgment by May 25, 2018; (3) Plaintiff may file up to thirty-one pages on reply if the Washington State Farm Bureau Federation and Washington Cattlemen's Association file an amicus brief on remedy (*see* Dkt. #99); (4) Defendants and Defendant-Intervenor shall file any reply briefs in support of any cross-motions for summary judgment not to exceed twelve pages by June 8, 2018; and (5) the parties have reached an agreement regarding notice for issuance of the 2018 grants at issue in this litigation.

DATED: May 1, 2018

JEFFREY H. WOOD
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Environment & Natural Resources Division
United States Department of Justice

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Attorneys for Defendant-Intervenor

Based on the foregoing stipulation of the Parties, IT IS SO ORDERED.

Dated this ____ day of May, 2018.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on May 1, 2018, the foregoing will be electronically filed with the Court's electronic filing system, which will generate automatic service upon on all Parties enrolled to receive such notice.

/s/ Jody H. Schwarz

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